

IC 22-10-15

Chapter 15. Alcohol Use and Illegal Use of Drugs

IC 22-10-15-1

"Chemical test"

Sec. 1. As used in this chapter, "chemical test" has the meaning set forth in IC 9-13-2-22.

As added by P.L.35-2007, SEC.24.

IC 22-10-15-2

"Illegal use of drugs"

Sec. 2. As used in this chapter, "illegal use of drugs" has the meaning set forth in IC 22-9-5-12.

As added by P.L.35-2007, SEC.24.

IC 22-10-15-3

"SAMHSA"

Sec. 3. As used in this chapter, "SAMHSA" means the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

As added by P.L.35-2007, SEC.24.

IC 22-10-15-4

Drug and alcohol testing of mine employee

Sec. 4. Notwithstanding IC 22-9-5-24, an operator or a representative of the operator may test a mine employee on the grounds of the mine or off premises at a medical facility:

(1) to determine the illegal use of drugs by the mine employee;
or

(2) to determine whether the mine employee has an alcohol concentration equivalent to at least four-hundredths (0.04) grams alcohol per:

(A) one hundred (100) milliliters of the mine employee's blood; or

(B) two hundred ten (210) liters of the mine employee's breath.

As added by P.L.35-2007, SEC.24.

IC 22-10-15-5

Conducting test

Sec. 5. The operator or a representative of the operator may conduct or cause to be conducted the test under section 4 of this chapter:

(1) when there is probable cause to conduct the test with an employee; or

(2) on a random basis among the mine employees.

As added by P.L.35-2007, SEC.24.

IC 22-10-15-6

Legally approved testing technique; standards; certified test

results

Sec. 6. (a) Alcohol or drug testing results, or both, may be obtained by a chemical test that at the date of the testing is a legally approved testing technique.

(b) An alcohol or a drug test must be conducted in accordance with standards, procedures, and protocols set forth by SAMHSA.

(c) Testing must be performed by a laboratory certified in accordance with the National Laboratory Certification Program under SAMHSA.

(d) Test results shall be certified by a medical review officer who has the ability and training necessary to verify test results.

As added by P.L.35-2007, SEC.24.